



US Army Corps
of Engineers®

Public Notice

Public Notice No. 07-24

Date: March 26, 2007

Nashville District

Application No. 200700106

Expires: April 26, 2007

Please address all written comments to: Nashville District
Corps of Engineers, Regulatory Branch, 3701 Bell Road,
Nashville, TN 37214, Attn: Maryellen Farmer Telephone
615/369-7517

JOINT PUBLIC NOTICE

US ARMY CORPS OF ENGINEERS
COMMONWEALTH OF KENTUCKY

SUBJECT: Proposed Deposit of Fill Material into 16 Ephemeral, 9 Intermittent, and 6 Perennial Streams, for the Construction of 6 miles of New Roadway for the Somerset Southwest Bypass and Northern Bypass, Pulaski County, KY (KYTC Item No. 8-259.5 and 8-59.3)

TO ALL CONCERNED: The project described below has been submitted for a Department of the Army (DA) Permit pursuant to **Section 404 of the Clean Water Act (CWA)**. Before a permit can be issued, certification must be provided by the Commonwealth of Kentucky, Division of Water (KDOW), pursuant to Section 401(a)(1) of the CWA, that applicable state water quality standards would not be violated. By copy of this notice, the applicant applies for the required certification.

APPLICANT: Kentucky Transportation Cabinet
Department of Highways
200 Mero Street, 6th Floor
Frankfort, KY 40622

LOCATIONS: Sulfur Springs Hollow and Unnamed Tributaries to Fishing Creek and Hall Branch, in Pulaski County, KY. A location map of the proposed project is attached as Exhibit A.

The application states that the purpose of this proposed federally-funded Somerset Bypass project would be to reduce the traffic congestion and distribution problems associated with the Louie B. Nunn Parkway/KY80 and US 27 through Somerset. Additionally, the plans for the Bypass resulted from the concept of a coast-to-coast corridor known as the East-West Transportation Corridor which is considered a "high-priority" corridor on the National Highway System. The proposed Bypass would serve as a link in the "East-West Transportation Corridor". The project site is located within

the Delmer, KY Quads, and begins and ends at latitude/longitude coordinates 37°3'32.9" N, 84°38'42.1" and 37°7'14.8" N, 84°38'54.0" W, respectively.

DESCRIPTION: The proposed action consists of the construction of new roadway for approximately 6.0 miles of KY80/US27 the Somerset Bypass and the placement of fill into segments of 16 ephemeral, 9 intermittent and 6 perennial streams. The fill material would be native soil and rock from the project site. Approximately 15,901 linear feet of stream would be impacted throughout the project area. The surface area to be filled within the proposed project area involves 3.728 acres of streams. Plans of the proposed work may be obtained by contacting Maryellen Farmer at (615) 369-7517 or the address above. The following is a description of the proposed work and proposed mitigation:

Southwest Bypass

1. Left Sta. 219+06 - Fill **0.01 acres of wetlands** (Wetland A). This will be replaced with a springbox with 11' of pipe culvert, and 12' of outlet channel. The drainage area affected is **0.015 acres**. The site is located at N37-04-31, W84-39-17.
2. Sta. 223+80 - Fill **0.05 acres of wetlands** (Wetland B). The drainage area affected is **0.06 acres**. The site is located at N37-04-36, W84-39-24.
3. Sta. 226+71.9 - Fill **0.13 acres of wetlands** (Wetland C). This will be replaced with 173' of pipe culvert (Sta. 226+71.9), with 106' of inlet and 122' of outlet channel to 34' of 8'X 5' box culvert (Access Rd.#10, Sta. 48+61.2). The drainage area affected is **0.21 acres**. The site is located at N37-04-38, W84-39-22.
4. Left Sta. 270+50 to Left Sta. 276+00 (**Excess Fill Site 1**) - Fill **907'** of a spring fed **intermittent** tributary (EF1-A) to Fishing Creek. Also fill **172'** of **ephemeral** Tributary #1. The impact to waters is **0.080 acres** of intermittent and **0.008 acres** of ephemeral). The drainage area affected is **20.5 acres**. The site is located at N37-05-18, W84-39-55.
5. Sta. 278+00 to 284+60 - Construct 378' of 10'X 6' box culvert (Sta. 282+71), with 75' of inlet and 25' of outlet on a **perennial** tributary (Reach S-24) to Fishing Creek. This replaces **521'** of existing channel. Additionally, fill **422'** of **ephemeral** tributary with flow redirected via 600' of roadside ditch to the culvert

entrance; and fill **294'** (174' of channel and 120 of existing culvert) of an **intermittent** tributary (Reach S-28, US&DS) with flow redirected via 234' of roadside ditch and 36' of pipe culvert (South Hart Rd. Sta. 78+97.26) to the culvert outlet. The impact to waters is **0.160 acres** of perennial, **0.010 acres** of intermittent, and **0.020 acres** of ephemeral channel. The drainage area affected is **387 acres**. The site is located at N37-05-27, W84-39-48.

6. Right Sta. 294+60 to Left Sta. 300+20 - Construct 94' of inlet channel to a 254' pipe culvert (Ramp 8, Sta. 806+86), then 75' of outlet/inlet channel to 502' of pipe culvert (Sta. 299+13 & Ramp 7, Sta. 710+26), then 124' of outlet channel. This replaces an **ephemeral/intermittent** tributary of Fishing Creek consisting of a series of ponds and tributaries (channel lengths were assumed through the ponds for final impact determinations). Fill **293'** of **ephemeral** Tributary #1. Drain and/or fill **632'** of **intermittent** stream (Reach 32DS) which consists of a 45' channel into a 0.12 acre pond (with an assumed impact length of 114'), then 60' of culvert to a 0.38 acre pond (with an assumed impact length of 234'), then 30' of culvert to 149' of outlet channel. Fill **73'** of **intermittent** tributary (Reach S-33). Fill **381'** of an **intermittent** tributary (Reach S-34) which consists of 89' of channel into a 0.39 acre pond (with an assumed impact length of 254'), then 38' of outlet channel. Fill **143'** of an **intermittent** tributary (Reach S-35), which consists of 48' of channel into a 0.05 acre pond (with an assumed impact length of 65'), then 30' of outlet culvert. The impact to waters is **0.007 acres** of ephemeral and **0.098 acres** of intermittent. The drainage area affected is **290 acres**. The site is located at N37-05-39, W84-39-42.
7. Right Sta. 303+00 to 306+30 - Construct 156' of pipe culvert (Sta. 306+14) with 15' of inlet and 134' of outlet/inlet channel to 236' of pipe culvert (Parkway Sta. 101+95), then 65' of outlet/inlet channel to 158' of pipe culvert (Ramp 7, Sta. 717+00) with 30' of outlet channel. This is on an **ephemeral** tributary to a sinkhole. This replaces **373'** of existing channel (124' and 249', respectively), and **258'** of existing culvert to be abandoned in-place (plugged). The impact to waters is **0.022 acres** (including existing pipe). The drainage area affected is **240 acres**. The site is located at N37-05-49, W84-39-36.

8. Sta. 322+58 - Construct 190' of pipe culvert with 55' of outlet channel improvement on an **intermittent** tributary to Fishing Creek. This replaces **250'** of existing channel. The impact to waters is **0.030 acres**. The drainage area affected is **13.8 acres**. The site is located at N37-06-05, W84-39-38.
9. Sta. 323+35 - Drain a **0.68 acre pond** and construct 185' of pipe culvert with 37' of outlet channel improvement; on an **intermittent** tributary to Fishing Creek. This replaces **310'** of existing channel (**60'** of which is assumed in the pond area). The impact to waters is **0.010 acres**. The drainage area affected is **19 acres**. The site is located at N37-06-07, W84-39-39.

Northern Bypass

10. Left Sta. 133+00 to Left Sta. 150+00 (Excess Fill Site 2) - Fill **890'** of an **intermittent** tributary (EF2-A) to an unnamed tributary in Sulfur Springs Hollow. Also, fill **337'** of **ephemeral** Tributary #1 and **180'** of **ephemeral** Tributary #2 of which 90' is an assumed length through a 0.06 acre pond. The impact to waters is **0.100 acres** of intermittent and **0.030 acres** of ephemeral. The drainage area affected is **46 acres**. The site is located at N37-06-02, W84-40-33.
11. Left Sta. 165+00 (Lonnie Stringer Frontage Road, Sta. 48+60) - Fill **0.05 acres** of a **0.27 acre pond** on an **ephemeral** tributary to an unnamed tributary in Sulphur Springs Hollow. This replaces **75'** of existing channel (assumed length in pond area). The impact to waters is **0.003 acres**. The drainage area affected is **8.6 acres**. The site is located at N37-06-12, W84-39-58.
12. Sta. 169+50 - Fill **192'** of a **perennial** tributary to an unnamed tributary in Sulphur Springs Hollow. The impact to waters is **0.030 acres**. The drainage area affected is **4.5 acres**. The site is located at N37-06-12, W84-39-55.
13. Left 169+50 to 204+00 - Starting upstream on the unnamed tributary in Sulphur Springs Hollow (Reach N-7), a **perennial** stream construct 250' of pipe culvert (Sta. 193+33), with 453' of inlet channel and 567' of outlet/inlet channel to 145' of 6'X 6' box culvert (Ramp 2, Sta. 213+03), then 595' of outlet/inlet channel to 419' of 6'X 6' box culvert (Ramp1, Sta. 131+46) with 831' of outlet channel. This replaces **3480'** of existing channel. The impact to waters is **0.959 acres**. The drainage area affected is **343.7 acres**. The site is

located at N37-06-17, W84-39-57. **Other impacts associated with tributaries to the main channel disturbance are:**

(Reach N-6) - Construct 111' of pipe culvert (Lonnie Stringer Frontage Rd., Sta. 37+32) with 209' of inlet channel and 160' of outlet channel replacing **318'** of existing **intermittent** channel. The impact to waters is **0.040 acres**. The site is located at N37-06-15, W84-39-48.

(Reach N-9) - Construct 689' of roadway drainage channel replacing **412'** of existing **intermittent** channel. The impact to waters is **0.060 acres**. The site is located at N37-06-24, W84-39-51.

(Reach N-11) - Construct 302' (Sta. 183+62) of pipe culvert with 15' of inlet and 340' of outlet channel replacing **497'** of **intermittent** channel. The impact to waters is **0.058 acres**. The site is located at N37-06-20, W84-39-41.

(Reach N-13) - Construct 246' of pipe culvert (Ramp 1, Sta. 120+83) with 396' of inlet and 243' of outlet channel replacing **1044'** of existing **perennial** channel. The impact to waters is **0.120 acres**. The site is located at N37-06-29, W84-39-46.

(Reach N-14) - Fill **165'** of **intermittent** channel. The impact to waters is **0.010 acres**. The site is located at N37-06-30, W84-39-41.

(Reach N-15) - Construct an 80' pipe culvert (Ramp 1, Sta. 110+60) with 457' of inlet and 348' of outlet channel improvement replacing **952'** of **perennial** channel and **70'** of **intermittent** channel (Reach N-19). The impact to waters is **0.153 acres** of perennial and **0.005 acres** of intermittent. The site is located at N37-06-31, W84-39-36.

(Reach N-18) - Fill **297'** of an **intermittent** tributary to N-15. Flow will be redirected into 1,093' of roadside drainage channel to the inlet of a culvert on N-7 (Sta. 193+33). The impact to waters is **0.019 acres**. The site is located at N37-06-37, W84-39-29.

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Tributaries #1 to #5 - Fill **1411'** of **ephemeral** channels. No individual site has an impact over 0.100 acres.

The total impact to waters at Site 13 are **1.232 acres** of perennial, **0.192 acres** of intermittent, and **0.109 acres** of ephemeral.

14. Left Sta. 207+79 (Ringold Rd., Sta. 46+50) - Construct 114' of pipe culvert with 193' of inlet and 85' of outlet channel improvement on an **intermittent** stream below the outflow from a pond. This replaces **227'** of existing channel. The impact to waters is **0.015 acres**. The drainage area affected is **41 acres**. The site is located at N37-06-42, W84-39-37.
15. Sta. 231+79 - Fill **212'** of an **ephemeral** tributary to Hall Branch. The impact to waters is **0.007 acres**. The drainage area affected is **3.4 acres**. The site is located at N37-07-01, W84-39-10.
16. Sta. 235+75 - Construct 260' of pipe culvert with 15' of inlet and 20' of outlet channel improvements on an **ephemeral** tributary to Hall Branch. This replaces **313'** of existing channel. The impact to waters is **0.015 acres**. The drainage area affected is **6.0 acres**. The site is located at N37-07-04, W84-39-06.
17. Sta. 240+20 - Construct 310' of pipe culvert with 10' of inlet and 32' of outlet channel improvements on a **perennial** tributary to Hall Branch. This replaces **395'** of existing channel. The impact to waters is **0.045 acres**. The drainage area affected is **12.4 acres**. The site is located at N37-07-07, W84-39-03.

Stream Mitigation - The KYTC investigated the potential for on-site mitigation and determined that none is practicable. KYTC proposes mitigation in the form of off-site stream restoration for associated stream impacts, and purchasing of wetland credits through the Wayne County Mitigation Bank for wetland impacts.

For streams, the need for mitigation for impacts was based on several criteria. For intermittent and perennial streams, the need was based on whether an impact site was greater than 0.10 acres in area or greater than 500' in length. For ephemeral streams, mitigation needs were based on an impact greater than 0.10 acres; but no impact length was considered. Some impacts to intermittent or perennial streams were less than the thresholds, but since those streams were associated with a

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larger impact site that required mitigation, they were also included for mitigation. It should be also noted that the KDOW's criteria (impacts over 200' on "blue-line" streams in watershed greater than 250 acres) was considered for the mitigation determination. Based on all these factors, mitigation is proposed for five impact sites: Site numbers 4, 5, 6, 10, and 13, (Sites 5, 6, and 13 have multiple streams involved) for a total of 11,076 feet of impact to streams. (Exhibit B).

KYTC proposes to mitigate for these impacts by performing natural channel design restoration on 6,000 feet of perennial and 5,100 feet of intermittent streams located on the Pumphrey Tract in Pulaski County (Buck Creek). This site is currently owned by the Nature Conservancy and is a 231 acre parcel of land immediately adjacent to Buck Creek. The Corps is currently considering KYTC's proposal to establish the Pumphrey site as an advanced mitigation credit site. That proposal is being processed as a separate action since credits remaining after debiting for this project would be used to satisfy other KYTC mitigation requirements in the service area.

For wetlands, KYTC proposed mitigation for sites with impacts greater than 0.10 acres. Only Site 3, with an impact of 0.130 acres, is to be mitigated. KYTC proposes to use credits from the existing Wayne County Mitigation Bank site at a 2:1 ratio (0.260 acres debited).

The decision whether to issue a permit would be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision would reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the work, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the work, would be considered including the cumulative effects; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion, accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest would include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit would be granted unless the District Engineer determines it to be contrary to the public interest.

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The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Comments received would be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historical properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. An EA would be prepared by this office prior to a final decision concerning issuance or denial of the requested DA Permit.

Section 106 of the National Historic Preservation Act has been addressed through the applicant's consultation with the Kentucky State Historic Preservation Officer (SHPO). As a result, the SHPO submitted information that indicates that the project would have No Adverse Effect on historic properties. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the SHPO.

Section 7 of the Endangered Species Act (ESA) has been addressed through consultation with the US Fish and Wildlife Service. This project is federally funded and, as such, the Federal Highway Administration has addressed issues related to the ESA. The USFWS correspondence indicates that the project is not likely to adversely affect any federally listed endangered species.

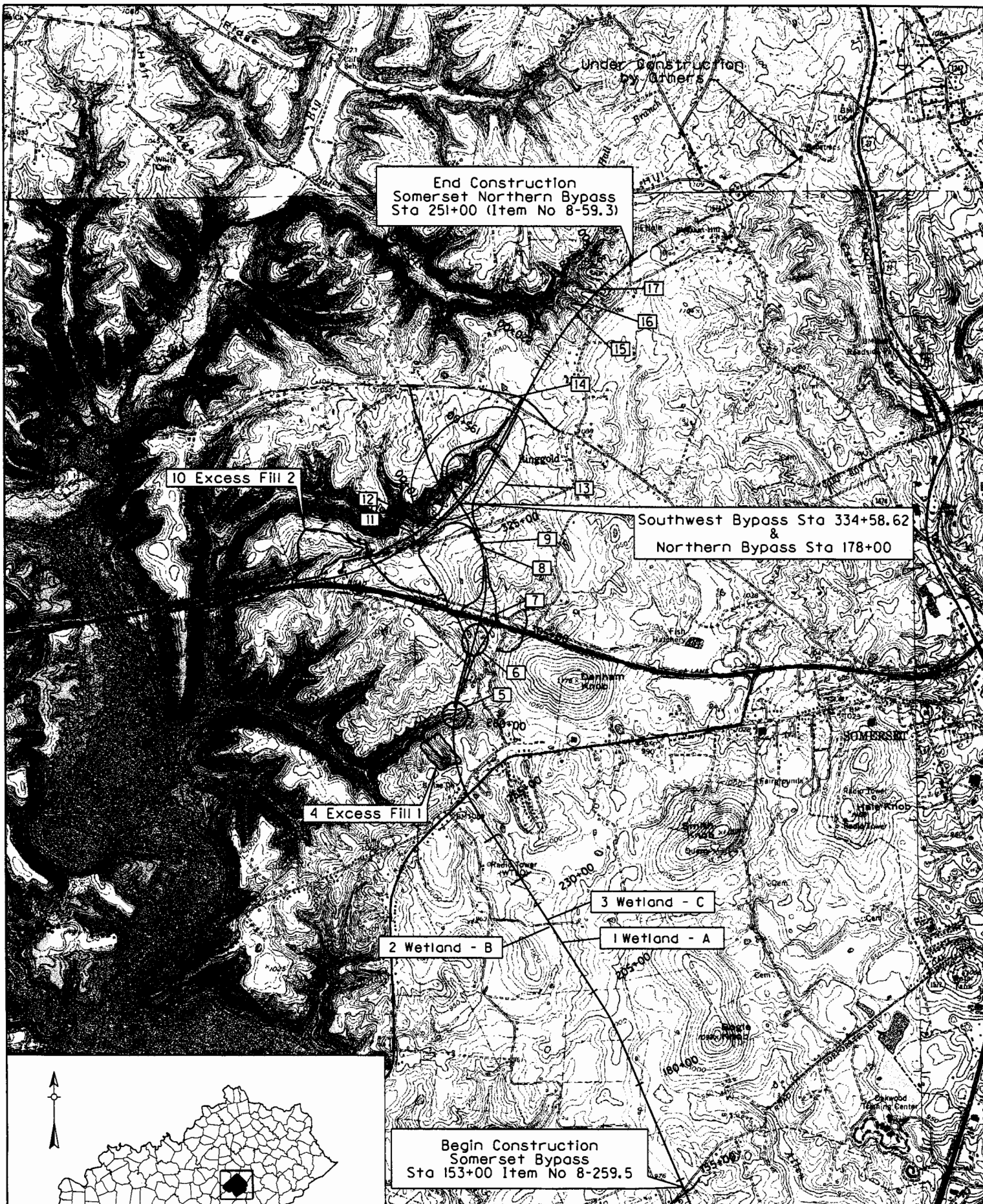
In addition to the DA permit, other federal, state, and/or local approvals may be required for the proposed work. Water quality certification is required.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

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Written statements received in this office on or before **April 26, 2007**, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Maryellen Farmer, at the above address, (615) 369-7517, Fax (615) 369-7501. The email address is Maryellen.J.Farmer@lrn02.usace.army.mil. It is not necessary to comment separately to TVA since copies of all comments will be sent to that agency and will become part of its record on the proposal. However, if comments are sent to TVA, they should be mailed to Ms. Erica Wadl, 260 Interchange Park Drive, Lenoir City, Tennessee 37772.

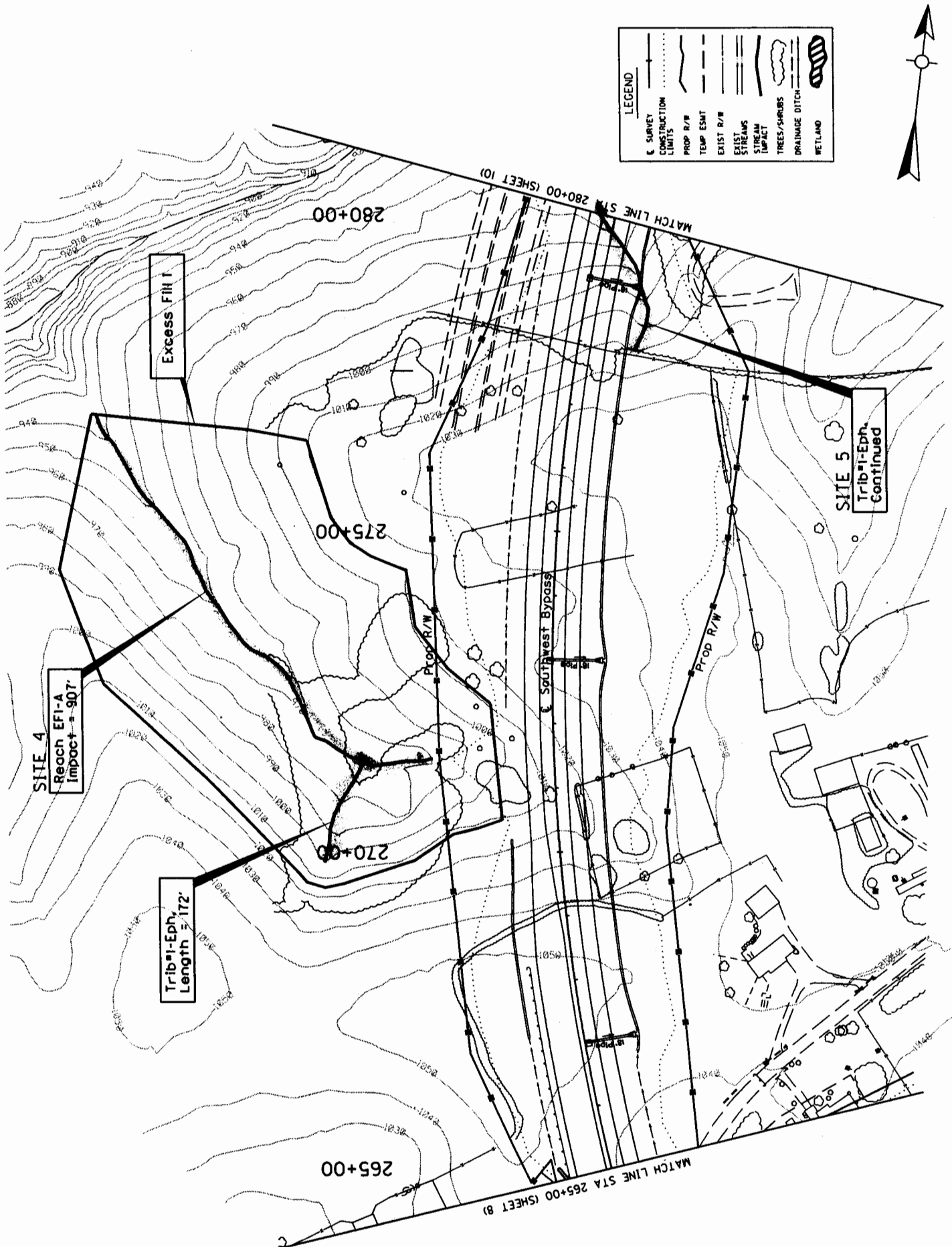
If you received this notice by mail and wish to view all of the diagrams, visit our web site at: <http://www.lrn.usace.army.mil/cof/notices.htm>, or contact Mrs. Farmer at the above address or phone number.



SOMERSET BYPASS
Item No. 8-59.3 8-259.5

<u>Sites Requiring Mitigation</u>							
1	2	3	4	5	6	7	8
Site #	Station Number	Stream Type	Type of Impact	Acreage of Impact	Watershed size in acres	Impact Length	Mitigation Required?
	Reach						
4	EF1-A	int	fill	0.08	21	907	y
5	S-24	per	culvert	0.16	387	521	y
	S-28US	int	fill	0.004	10	122	y
	S-28DS	int	fill	0.006	10	172	y
6	S-32DS	int	fill	0.072	290	632	y
	S-33	int	fill	0.003	2	73	y
	S-34	int	fill	0.017	2	381	y
	S-35	int	fill	0.006	244	143	y
10	EF2-A	int	fill	0.10	46	890	y
13	N-6	int	fill	0.04	6	318	y
	N-7	per	fill	0.959	344	3480	y
	N-9	int	fill	0.06	13	412	y
	N-11	int	fill	0.058	14	497	y
	N-13	per	fill	0.12	36	1044	y
	N-14	int	fill	0.01	3	165	y
	N-15	per	fill	0.153	113	952	y
	N-18	int	fill	0.019	48	297	y
	N-19	int	fill	0.005	41	70	y

Total = 11,076



LEGEND

- SURVEY LIMITS
- CONSTRUCTION LIMITS
- PROP. R/W
- TEMP. E&M
- EXIST. R/W
- EXIST. STREAMS
- STREAM IMPACT
- TREES/SHRUBS
- DRAINAGE DITCH
- WETLAND

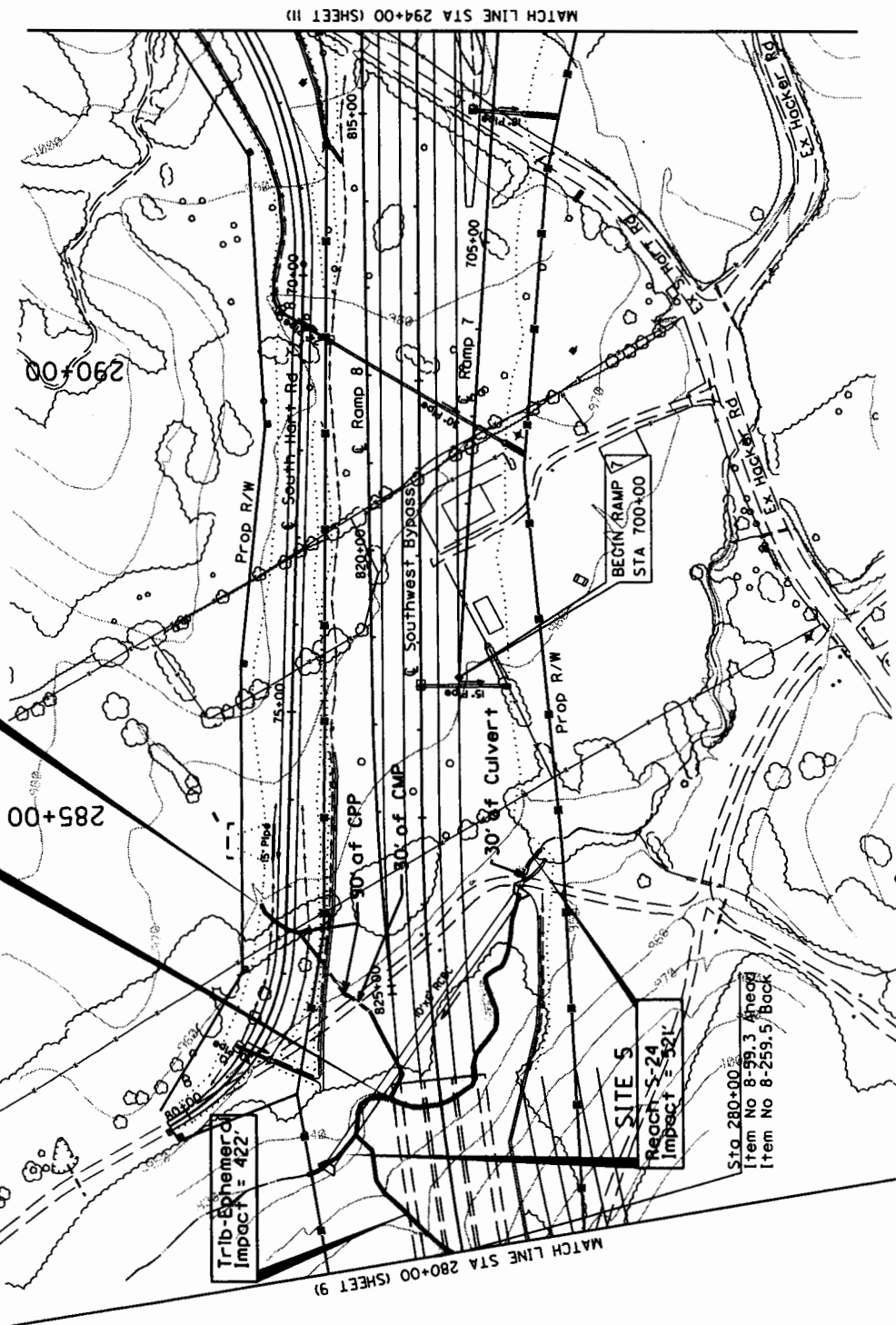


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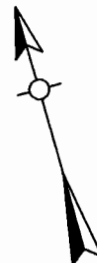
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Kentucky Transportation	PROJECT: SOMERSET BYPASS (Southwest) - EXCESS FILL SITE #1		
	COUNTY: PULASKI	STATE: KENTUCKY	STA LEFT 26











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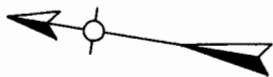


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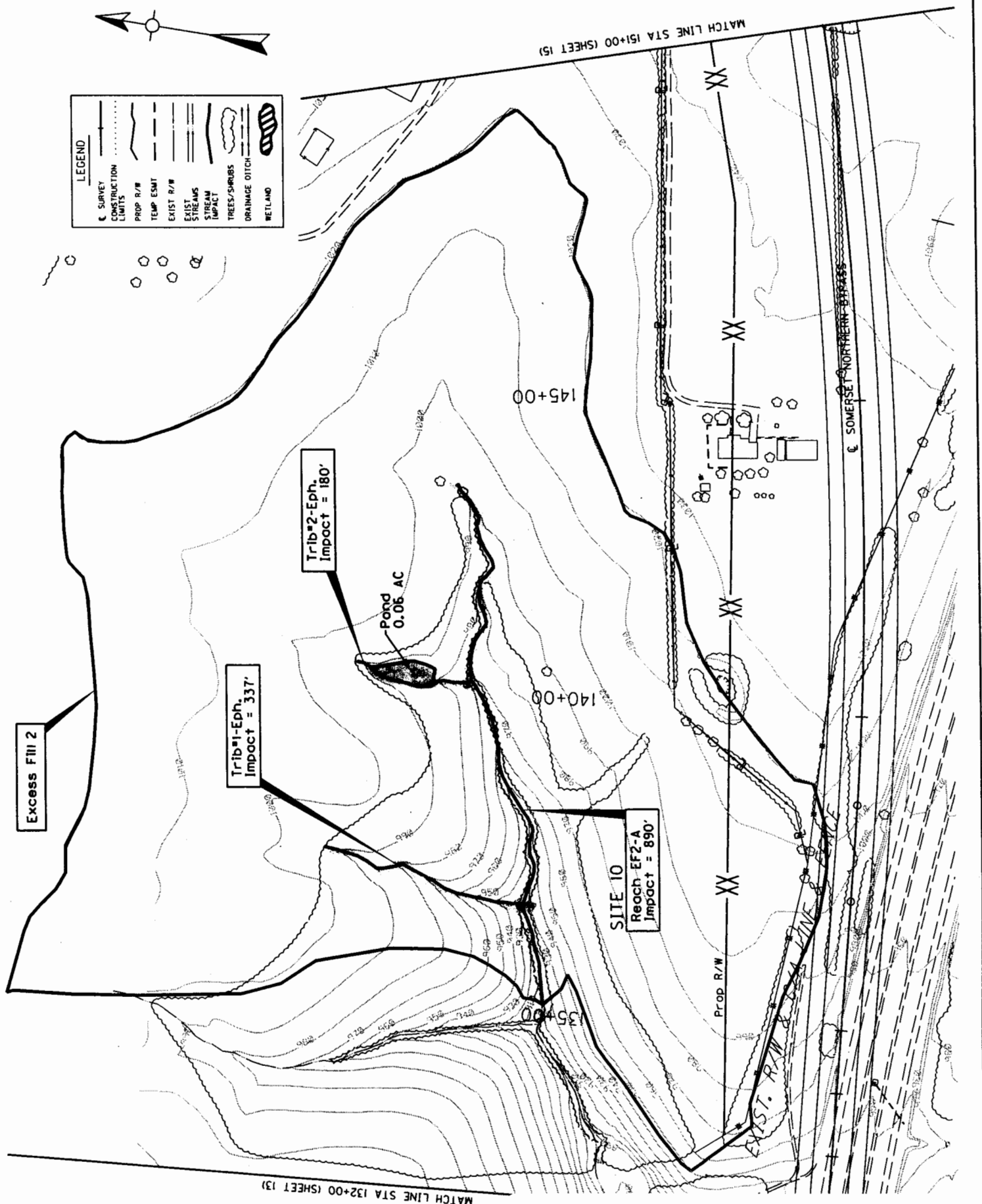


LEGEND

	SURVEY
	CONSTRUCTION LIMITS
	PROP R/W
	TEMP ESMIT
	EXIST R/W
	EXIST STREAMS
	STREAM IMPACT
	TREES/SHRUBS
	DRAINAGE DITCH
	WETLAND



LEGEND	
	SURVEY
	CONSTRUCTION LIMITS
	PROP. R/W
	TEMP. ESMIT
	EXIST. R/W
	STREAM
	STREAM IMPACT
	TREES/SHRUBS
	DRAINAGE DITCH
	WETLAND



PN NO. 07-24

Kentucky
Transportation

PROJECT: SOMERSET BYPASS (Northern) - EXCESS FILL SITE #2

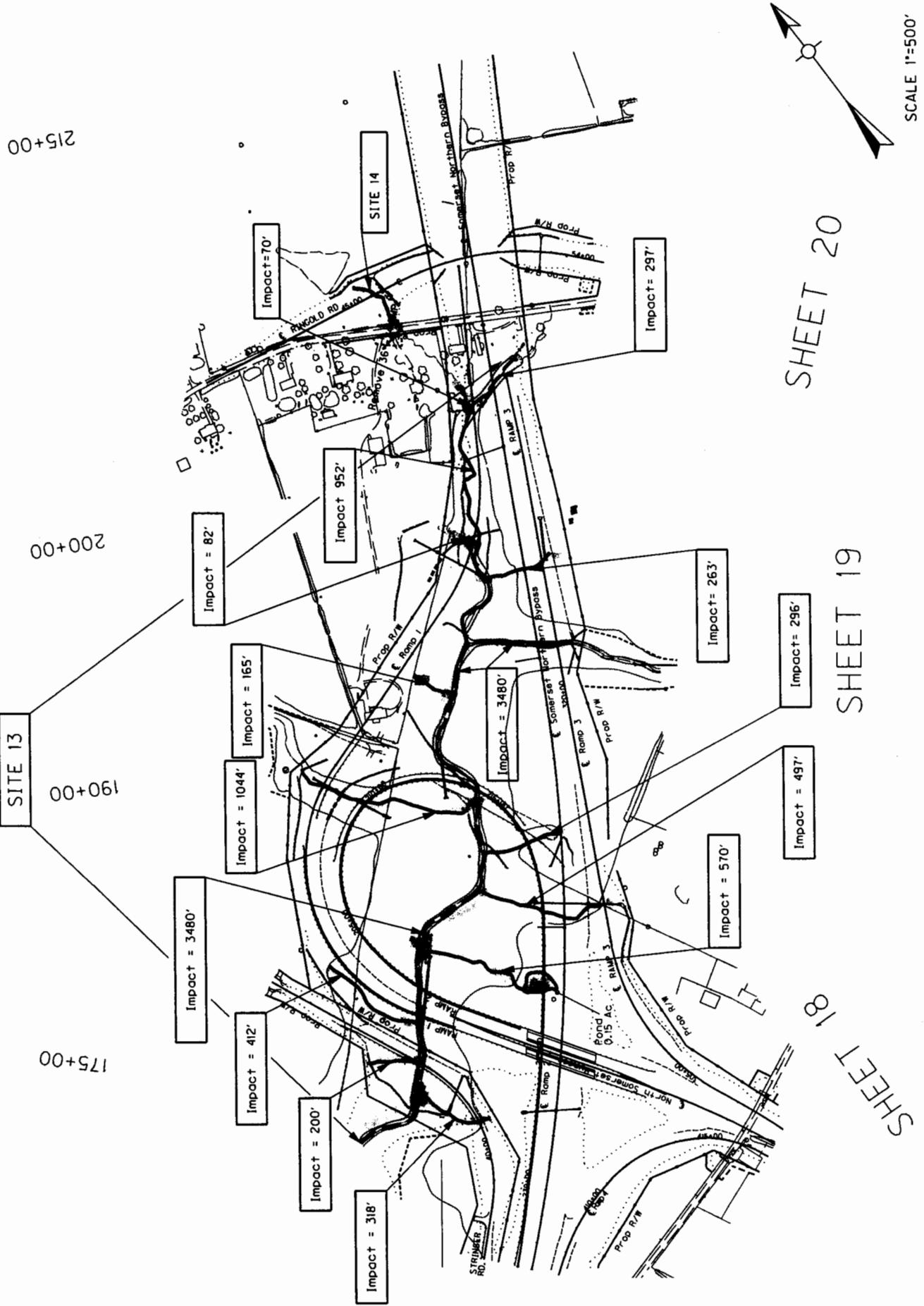
COUNTY: PULASKI

STATE: KENTUCKY

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OVERVIEW OF IMPACTS ON PLAN SHEETS 18, 19, & 20



SHEET 20

SHEET 19

SHEET 18

PN NO. 07-24

FILE NO. 200700106

Kentucky Transportation	PROJECT: SOMERSET NORTHERN BYPASS		
	COUNTY: PULASKI	STATE: KENTUCKY	OVERVIEW OF